IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.W.P. No.1060 of 2006
Date of Decision:- 07.03.2007

Ram Naresh ....Petitioner(s)
through
Mr.B.S.Bitta, Advocate

vs.

State of Punjab & ors. ....Respondent(s)
through
Mr.B.S.Baath, AAG, Punjab.
Mr.Yogesh Goel, Advocate.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J.

It is stated by Mr.B.S.Baath, learned Assistant Advocate General, Punjab, on instructions from ASI Gurmeet Singh, that despite the order dated February 21, 2007, respondent Nos.4 and 5 have not joined the investigation.

Having regard to the above-noticed conduct of respondent Nos.4 and 5, the order granting interim pre-arrest bail to respondent No.4 dated February 08, 2007, is hereby vacated.

As far as the main case is concerned, the prayer made by the petitioner is for issuance of a writ in the nature of habeas corpus to find out the whereabouts of his daughter Anju Kumari, who is allegedly a minor and is stated to have been abducted or enticed by respondent Nos.4 to 6.

Vide order dated November 22, 2006, respondent Nos.4 to 6

were directed to produce the alleged detenue, namely, Anju Kumari in this Court.

In compliance thereto, the alleged detenue, Anju Kumari, has put in appearance who, in her separate deposition made on oath, has claimed to be a major and has refused to accompany her parents. According to her, she has performed marriage with Sandeep Kumar @ Kala i.e. respondent No.4 and wants to live along with her above-named husband.

Since the age of the alleged detenue is a seriously disputed question of fact which cannot be gone into in these proceedings, this petition is disposed of with the following directions:-

(i) The Investigating Officer of F.I.R.No.87 dated 30.9.2006 registered under Sections 363,366/34 IPC in Police Station Nabha shall continue to investigate and take the same to its logical conclusion in accordance with law;

(ii) If during the course of investigation, the Investigating Officer finds that Anju Kumari is a minor and the alleged marriage performed by her with respondent No.4 is not valid in the eyes of law and if she still insists not to stay with her parents, he shall ensure that the said Anju Kumari is kept in a Government run/controlled Nari Niketan Institute in safe custody till she attains majority;

(iii) If the Investigating Officer, however, is satisfied that the said Anju Kumari is major and was, thus, capable to perform a valid marriage with respondent No.4, she

shall be allowed to stay as per her own wishes.

March 07, 2007 **(SURYA KANT)**
poonam **JUDGE**